

Appl. No. 09/485,650
Atty. Docket No. CM1817
Preliminary Amdt. dated 7/9/04
Reply to Appeals Decision of 05/30/2003
Customer No. 27752

REMARKS

Claims 1, 13, 14, 16, 17 and 20 – 31 are pending in the present application. No additional claims fee is believed to be due.

Claims 2 – 12, 15, 18, and 19 are canceled without prejudice.

Claim 1 has been amended to include the limitations of canceled Claims 12, 15 and 19. In addition, Claim 1 has further been amended to include the organism source for the disclosed mannanases. Support for this amendment is found in the Specification at page 7, lines 19 – 23.

Claim 13 has been amended to correct a typographical mistake regarding the term "about".

Claim 16 has been amended to clarify that the disclosed percentages of cotton polyethyleneimine soil release polymer is by weight of the laundry detergent composition. Support for the amendment is found in the Specification at page 35, lines 11 – 13.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 103(a) Over Ghosh in view of Cuperus

Claims 1, and 12 - 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,858,948, hereinafter referred to as "Ghosh", in view of WO 95/35362, hereinafter referred to as "Cuperus". The rationale for the rejections (which is first set forth in paper number 6) may be summarized as follows: Ghosh discloses the cotton soil release agents of the instant invention and Cuperus teaches the mannanase enzyme of the instant invention, therefore the present invention is obvious over Ghosh in view of Cuperus. Applicants respectfully traverse the rejections in light of the present amendments which have rendered the claimed invention narrower than it was when it was considered on appeal.

According to § 2143.03 of the MPEP, "to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (citing *In re Royka*, 490 F.2d 981)." Moreover, "if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious (citing *In re Fine*, 837 F.2d 1071)." Applicants submit that Ghosh in view of Cuperus do not teach all of the limitations in presently amended Claim 1. First, with regard to the mannanase enzyme, not only does Cuperus fail to

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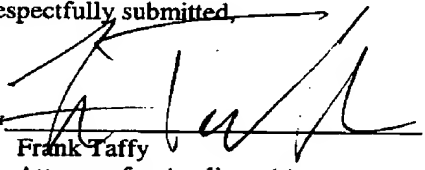
teach or suggest the specific bacterial sources of mannanase enzymes as per Claim 1, Cuperus also fails to teach or suggest how to go about determining what is the proper bacterial source for mannanase. Second, with regard to the cotton polyethyleneimine polymer, Ghosh does not teach the use of the specific polyethyleneimines disclosed in Claim 1, that is polyethyleneimines with particular molecular weights and degrees of polyethoxylation, such as polyethyleneimine 1800E7, 1200E7, or 600E20, as per presently amended Claim 1. (The polyethyleneimine nomenclature of Claim 1 is described in WO97/42288 which is incorporated by reference in the present application. For example, polyethyleneimine 1200E7 has a molecular weight of 1200 and 7 moles of ethylene oxide per mole of polyethyleneimine nitrogen function.) Since Ghosh and Cuperus alone or in combination do not teach or suggest all of the limitations in newly amended Claim 1, they cannot serve as the basis for a prima facie case of obviousness over Claim 1 or the balance of Claims that ultimately depend therefrom. As such, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a).

Conclusion

In light of the above amendments and remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of pending Claims 1, 13, 14, 16, 17 and 20 – 31.

Respectfully submitted,

By 
Frank Taffy
Attorney for Applicant(s)
Registration No. 52,270
(513) 634-9315

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